

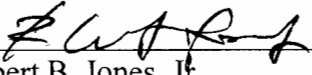
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO: 4:11-CR-00025-BR-2

UNITED STATES OF AMERICA	)	
	)	
v.	)	<u>ORDER</u>
	)	
PERRY RASHAWN WILKINS,	)	
	)	
Defendant.	)	

This matter is before the court on the motion of Defendant Perry Wilkins (“Defendant”) requesting a copy at the government’s expense of his indictment, statement of reasons, and sentencing transcript. [DE-81]. Defendant was previously denied a copy of his sentencing transcript because he did not have a proceeding pending, e.g., a § 2255 proceeding, such that the court would be required to provide a transcript copy at the government’s expense, pursuant to 28 U.S.C. § 753(f), and had not shown a particularized need for the document. [DE-71]. Defendant has since filed a petition under 28 U.S.C. § 2255 [DE-72], but the matter is stayed pending the Fourth Circuit’s decisions in *United States v. Walker*, No. 15-4301 (4th Cir. 2016), and *United States v. Simms*, No. 15-4640 (4th Cir. 2016). [DE-79]. Furthermore, Defendant provides no information regarding why he requires a copy of his sentencing transcript. *See Jones v. Superintendent, Va. State Farm*, 460 F.2d 150, 152 (4th Cir.1972) (“An indigent is not entitled to a transcript at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw.”). Defendant has failed to demonstrate that, at this time, a copy of his indictment, statement of reasons, and sentencing transcript are necessary to decide the issues presented by his § 2255 petition. *See* 28 U.S.C. § 753(f) (providing that a free transcript shall be provided to an indigent defendant permitted

to bring an action pursuant to 28 U.S.C. § 2255 *in forma pauperis* “if the trial judge . . . certifies that the suit . . . is not frivolous and that the transcript is needed to decide the issue presented by the suit . . . .”; *United States v. MacCollum*, 426 U.S. 317, 326 (1976) (establishing that indigent defendants do not have a constitutional right to a free transcript to pursue post-conviction relief). Accordingly, Defendant’s motion is denied without prejudice to renew his motion upon a proper showing.

SO ORDERED, this the 15 day of December 2016.

  
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Robert B. Jones, Jr.  
United States Magistrate Judge